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April 18, 2005

U.S. DISTRICT COURT  
DISTRICT OF MASS

United States District Court  
Attn: Clerk, Lindsay, J., USDC  
5130 John J. Moakley Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210

**RE: Tyree v. U.S. Army, Et al  
C.A. 04-11430-RCL - Motion  
For Enlargement Of Time Until  
May 21, 2005 To File Mail Cards  
And Documentation That Verifies  
Service Was Pursuant To FRCP.**

Dear clerk:

Since there is a companion case, (Writ of Mandamus against the Secretary of the Army), in the U.S. court of Appeals for the First Circuit, 04-2164, I have sent a copy of this material to that court as well.

Be advised that the Court of Appeals has the writ under consideration. Be advised that I have sought a stay of proceedings in this case pending in the U.S. District Court as the ruling from the 1st Circuit could easily moot this case, or provide this U.S. District Court instructions on how to proceed. Since the U.S. District Court has not ruled on the Motion For A Stay, and since I also motioned the 1st Circuit to intervene in the U.S. District Court and stay the proceedings in the U.S. District Court case at 04-11430-RCL, it is prudent to alert the 1st Circuit to the ongoing saga of this case in the U.S. District Court.

Currently the AUSA Michael P. Sady has filed to dismiss 04-11430-RCL, on the grounds of improper and insufficient service. All you have to do is read the affidavit attached to the Motion For Enlargement Of Time, and you will see that service was effected by U.S. Marshal in late January-early February 2005 and met the order of the U.S. District Court dated December 13, 2004. I am sorry that this has consumed additional court time. AUSA Sady is attempting to try and get his clients out from under an illegal arrest that even the Massachusetts Supreme Judicial Court, (SJC), has verified through my published opinion in Commonwealth v. Tyree 387 Mass. 191, 203-204 (1982), which found ym arrest to be on February 14, 1979. The army arrested me and all court records reflect the arrest took place 24 hours earlier on February 13,

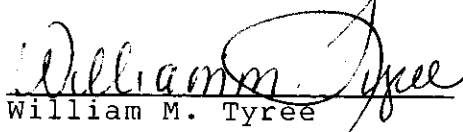
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1979. An FBI report also reflects that my arrest was effected on 2/14/79. A U.S. Army detainer issued at the time of my arrest on 2/14/79 from Fort Devens. Both the FBI report and detainer are on file with the 1st Circuit Court of Appeals.

AUSA Sady therefore resorts to attempting to muddy the water. Bear with him.

Thank you for your time in this matter. I appreciate your atime and efforts. I did not receive the pleadings of AUSA Sady until April 15, 2005. Due to the long Boston Marathon weekend this was the soonest that prison staff returned to work, and I could photocopy and mail these pleadings.

Respectfully submitted,



William M. Tyree

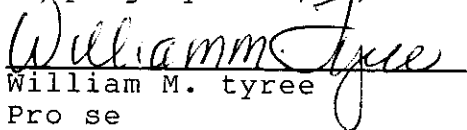
Pro se

P.O. Box-100

S. Walpole, MA. 02071

Certificate of Service

I, William M. Tyree, on oath state that I did serve a copy of the Motion For Enlargement of Time with affidavit and exhibits attached to the affidavit on AUSA Sady via first class mail on this date April 20, 2005, by mailing a copy of same to the Office of the U.S. Attorney. Signed under the pains and penalties of perjury on 4/20/05.



William M. tyree

Pro se

P.O. Box-100

S. Walpole, MA. 02071

Pleadings mailed **Certified U.S. Mail** to U.S. District Court certified No. 7004 1350 0005 0947 3477; **Mailed Certified Mail** to U.S. Court of Appeals, (04-2164, In Re Tyree, certified No. 7004 1350 0005 0947 3438).